



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/568,551

08/30/2006

Stephen Temple

164586

4385

22913

7590

11/26/2007

WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

QUADER, FAZLUL

ART UNIT

PAPER NUMBER

2169

MAIL DATE

DELIVERY MODE

11/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,551

Applicant(s)

TEMPLE ET AL.

Examiner

Fazlul Quader

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/22/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al. (US 6970928), hereinafter "Ihara" in view of Vermola et al. (US 20050090235), hereinafter "Vermola".

4. As to claim 1, Ihara discloses, a method of operating a communication system including a plurality of user terminals and a plurality of storage terminals, each being associated with at least one user terminal the method including the steps of:

storing encrypted content data on each of said storage terminals (col. 30, lines 5-32);

generating schedule data including decryption key means for enabling decryption of the content data by the storage terminal (col. 33, lines 33-40); and

transmitting the schedule data to the storage terminal via a mobile telecommunications network (col.18, lines 38-48); wherein

in the storage terminal includes a time indicator, and the schedule data is generated such that it controls the time at which the content data is decrypted by the storage terminal using the decryption means and with respect to the time indicator of the storage terminal such that the decrypted content data can be transmitted to the user terminal at said time (col. 33, lines 41-57).

Ihara, however, does not explicitly disclose, "decryption by means of key";

Vermola, on the other hand, discloses, "decryption by means of key" (Vermola: [0005]).

Both Ihara and Vermola are of the same field of endeavor, they specifically teach content distribution method (Ihara: abstract; Vermola: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Vermola into Ihara of Content distribution method and content supply system, that would have allowed users of Ihara to have an useful method, to receive broadcast services in a selectable manner (Vermola: [0002]).

5. As to claim 2, Ihara as modified discloses, the method of claim 1, wherein at least some of the content data is stored on the storage terminal by transmitting the content data over the mobile telecommunications network (Ihara: col. 6, line 58-col. 7, line 3).

6. As to claim 3, Ihara as modified discloses, the method of claim 2, wherein the content data is transmitted to the storage module at a time selected to coincide with a time when network use is or is expected to be relatively low (Ihara: col. 8, lines 5-24; col. 33, lines 41-57).

7. As to claim 4, Ihara as modified discloses, the method of claim 1, wherein at least some of the content data is stored on the storage terminal prior to distribution of the storage terminal to the user (Ihara: col. 8, lines 5-24).

8. As to claim 5, Ihara as modified discloses, the method of claim 1, wherein at

Art Unit: 2169

least some of the content data is stored on the storage terminal by transmitting the content data via the Internet (Ihara: abstract; col. 1, lines 26-34).

9. As to claim 6, Ihara discloses, a method of controlling access to encrypted content data stored on a storage terminal, the method including the steps of:

transmitting schedule data to the storage terminal via a mobile telecommunications network (col. 18, lines 38-48; col. 32, line 55-col. 33, lines 7), the schedule data including decryption means for enabling decryption of the content data by the storage terminal (col. 33, lines 33-40); and receiving the schedule data at the storage terminal (col. 18, lines 38-48); wherein

the storage terminal includes a time indicator, and the schedule data controls the time at which the content data is decrypted by the storage terminal using the decryption key means and with respect to the time indicator of the storage terminal such that the decrypted content data can be transmitted to a user terminal at said time (col. 33, lines 41-57).

Ihara, however, does not explicitly disclose, "decryption by means of key";

Vermola, on the other hand, discloses, "decryption by means of key" (Vermola: [0005]).

Both Ihara and Vermola are of the same field of endeavor, they specifically teach content distribution method (Ihara: abstract; Vermola: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Vermola into Ihara of Content distribution method and content supply system, that would have allowed users of Ihara to have an useful method, to receive broadcast services in a selectable manner (Vermola: [0002]).

10. As to claim 7, Ihara as modified discloses, a method of claim 1, wherein the storage terminal and the user terminal comprise a single device (Ihara: col. 5, line 47-col. 6, line 12).

11. As to claim 8, Ihara as modified discloses, the method of claim 1, wherein the time of transmission is controlled such that the content data is made available to the user terminal substantially simultaneously with the transmission of that content data to the storage terminal by the mobile telecommunications network (Ihara: col. 18, lines 38-48; col. 32, line 55-col. 33, lines 7).

12. As to claim 9, Ihara as modified discloses, the method of claim 1 any one of the preceding claims, wherein the user of the user terminal can select content data to be

Art Unit: 2169

transmitted to the storage terminal and for the subsequent transmission to the user terminal (Ihara: col. 8, lines 13-24).

13. As to claim 10, Ihara as modified discloses, the method of claim 1, wherein the user of the user terminal can adjust the time of transmission of content data from the storage terminal to the user terminal (Ihara: col. 8, lines 5-24; col. 33, lines 41-57).

14. As to claim 11, Ihara as modified discloses, the method of claim 1, including determining the location of the user terminal and transmitting special schedule data and/or content data in dependence upon the determined location (Ihara: col. 8, lines 13-24).

15. As to claim 12, as modified Ihara discloses, the method of claim 1, including enabling the user to respond to the content data via the mobile telecommunications network (Ihara: col. 18, lines 38-48; col. 32, line 55-col. 33, lines 7).

16. As to claim 13, Ihara as modified discloses, the method of claim 1, including enabling the user to perform a transaction associated with the content data (Ihara: col. 8, lines 13-24).

17. As to claim 14, Ihara discloses, a communication system including:

Art Unit: 2169

a plurality of user terminals (col. 40, lines 19-25);

a plurality of storage terminals, each being associated with at least one user terminal means for transmitting encrypted content data to each of said storage terminals (col. 30, lines 5-32);

means for generating schedule data including decryption key means for enabling decryption of the content data by the storage terminal (col. 33, lines 33-40); and

means for transmitting the schedule data to the storage terminal via a mobile telecommunications network (col. 18, lines 38-48); wherein

the storage terminal includes a time indicator, and the schedule data generating means generates the schedule data such that it controls the time at which the content data is decrypted by the storage terminal using the decryption means and with respect to the time indicator of the storage terminal such that the decrypted content data can be transmitted to the user terminal at said time (col. 33, lines 41-57).

Ihara, however, does not explicitly disclose, "decryption by means of key";

Vermola, on the other hand, discloses, "decryption by means of key" (Vermola: [0005]).

Both Ihara and Vermola are of the same field of endeavor, they specifically teach content distribution method (Ihara: abstract; Vermola: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Vermola into Ihara of Content distribution method and content supply system, that would have allowed users of Ihara to have an useful method, to receive broadcast services in a selectable manner (Vermola: [0002]).

18. As to claim 15, Ihara as modified discloses, the system of claim 14, including means for receiving a request for particular content data from a user, and means for transmitting that content data to the storage terminal for subsequent transmission to the user terminals (Ihara: col. 1, lines 26-34).

19. As to claim 16, Ihara as modified discloses, the system of claim 14, including means for providing an indication of the location of the storage terminal within the network, and means for altering the schedule data for transmission to the storage module in dependence upon that location indication (Ihara: col. 8, lines 37-46).

20. As to claim 17, Ihara as modified discloses, the system of any one of claims 14,

Art Unit: 2169

including means for receiving instructions derived from the user terminal in response to the content data (Ihara: col. 1, lines 26-34).

21. As to claim 18, Ihara as modified discloses, the system of claims 14, including means for enabling a transaction associated with the content data to be performed (Ihara: col. 8, lines 5-24; col. 33, lines 41-57).

22. As to claim 19, Ihara as modified discloses, the system of claim 14, wherein the network is a GSM or UMTS mobile telecommunications network (Ihara: col. 8, lines 5-24; col. 33, lines 41-57).

23. As to claim 20, Ihara as discloses, a storage terminal for storing encrypted content data (col. 30, lines 5-32), the storage terminal including:

means for receiving schedule data via a mobile telecommunications network, the schedule data including decryption key means for enabling decryption of the content data by the storage terminal (col. 33, lines 33-40); wherein

the storage terminal includes a time indicator, and the schedule data controls the time at which the content data is decrypted by the storage terminal using the decryption means and with respect to the time indicator of the storage terminal such that the

Art Unit: 2169

decrypted content data can be transmitted to a user terminal at said time (col. 33, lines 41-57).

Ihara, however, does not explicitly disclose, "decryption by means of key";

Vermola, on the other hand, discloses, "decryption by means of key" (Vermola: [0005]).

Both Ihara and Vermola are of the same field of endeavor, they specifically teach content distribution method (Ihara: abstract; Vermola: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Vermola into Ihara of Content distribution method and content supply system, that would have allowed users of Ihara to have an useful method, to receive broadcast services in a selectable manner (Vermola: [0002]).

24. As to claim 21, Ihara as modified discloses, the storage terminal of claim 20, wherein the receiving means comprises an interface for receiving the schedule data from a mobile terminal, which mobile terminal is operable to receive schedule data from the mobile telecommunications network (Ihara: col. 6, line 58-col. 7, line 3).

25. As to claim 22, Ihara as modified discloses, the storage terminal of claim 20, wherein the receiving means comprises a transceiver connectable to the mobile telecommunications network for receiving schedule data from the mobile telecommunications network (Ihara: col. 6, line 58-col. 7, line 3).

26. As to claim 23, Ihara as modified discloses, the storage terminal of claim 20, including means for receiving content data to be stored over the mobile telecommunications network (Ihara: col. 6, line 58-col. 7, line 3).

27. As to claim 24, Ihara as modified discloses, the storage terminal of claim 20, including means for receiving content data to be stored by means of the Internet (Ihara: abstract; col. 1, lines 26-34).

28. As to claim 25, Ihara as modified discloses, the storage terminal of claims 20, including means for transmitting content data to the user terminal substantially simultaneously with transmission of that content data to the storage terminal by the mobile telecommunications network (Ihara: col. 18, lines 38-48; col. 32, line 55-col. 33, lines 7).

29. As to claim 26, Ihara as modified discloses, the storage terminal of claims 20, including means for receiving instructions from the user terminal which are indicative of

a selection of content data required, and means for transmitting a signal indicative of this selection to a content data provider (Ihara: col. 8, lines 13-24; col. 10, lines 34-47).

30. As to claim 27, Ihara as modified discloses, the storage terminal of claims 20, including means for adjusting the transmission time of content data from the storage terminal to the user terminal (Ihara: col. 8, lines 5-24; col. 33, lines 41-57).

31. As to claim 28, Ihara as modified discloses, the storage terminal of 20, including means for determining the location of the storage terminal and for varying the content data transmitted to the user terminal in dependence upon that location determination (Ihara: col. 8, lines 13-24).

32. As to claim 29, Ihara as modified discloses, the storage terminal of claims 20, including means for transmitting a response to the content data from the user terminal via the mobile telecommunications network (Ihara: col. 18, lines 38-48; col. 32, line 55-col. 33, lines 7).

33. As to claim 30, Ihara as modified discloses, the storage terminal of claim 20, including means for enabling a transaction associated with the content data to be performed (Ihara: col. 8, lines 13-24).

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kelley et al. (US 7239705) teaches Apparatus and method for broadcast service transmission and reception.

Contact Information

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazlul Quader whose telephone number is 571-270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2169

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fazlul Quader
Examiner
Art Unit 2169

FQ
11/12/2007


MOHAMMAD ALI
SUPERVISORY PATENT EXAMINER